UNITED STATES DISTRICT COURT

Southern District of California

Office Of The Clerk
880 Front Street, Room 4290
San Diego, California 92101−8900
Phone: (619) 557−5600
Fax: (619) 702−9900

W. Samuel Hamrick, Jr.,
Clerk of Court

August 6, 2008

Clerk, U.S. District Court
Central District of California, Southern Division
411 West Fourth Street, Suite 1053
Santa Ana, CA 92701

Re: James Scott Costello v. L. E. Scribner, Case No. 3:08−cv−01254−J−CAB

Dear Sir or Madam:

Pursuant to Order transferring the above−entitled action to your District, we are electronically transmitting herewith our entire original file.

Sincerely yours,

W. Samuel Hamrick, Jr.,
Clerk of the Court

By: s/ R. Mullin, Deputy Clerk

Copy to Attorney for Plaintiffs:
Copy to Attorney for Defendants:

FILED

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CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY RM DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

JAMES SCOTT COSTELLO,
Petitioner,

v.

L.E. SCRIBNER, Warden,
Respondent.

Civil No. 08-1254 J (CAB)

ORDER TRANSFERRING CASE TO CENTRAL DISTRICT, SOUTHERN DIVISION

Petitioner, a state prisoner proceeding pro se, has submitted a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, together with a request to proceed in forma pauperis. Upon reviewing the petition, the Court finds that this case should be transferred in the interest of justice. Thus, this Court does not rule on Petitioner's in forma pauperis status.

A petition for writ of habeas corpus may be filed in the United States District Court of either the judicial district in which the petitioner is presently confined or the judicial district in which he was convicted and sentenced. *See* 28 U.S.C. § 2241(d); *Braden v. 30th Judicial Circuit Court*, 410 U.S. 484, 497 (1973). Petitioner is presently confined at Calipatria State Prison, located in Imperial County, which is within the jurisdictional boundaries of the United States District Court for the Southern District of California. *See* 28 U.S.C. § 84(d). Petitioner's state court conviction occurred in Orange County Superior Court, which is also located within the jurisdictional boundaries of the United States District Court for the Central District of

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California, Southern Division. *See* 28 U.S.C. § 84(c)(3). Thus, jurisdiction exists in both the Southern and Central Districts.

When a habeas petitioner is challenging a state court conviction, the district court of the district in which the state court conviction took place is a more convenient forum because of the accessibility of evidence, records and witnesses. Thus, it is generally the practice of the district courts in California to transfer habeas actions questioning state court convictions to the district in which the state court conviction took place. Any and all records, witnesses and evidence necessary for the resolution of Petitioner's contentions are more readily available in Orange County. *See Braden*, 410 U.S. at 497, 499 n.15 (stating that a court can, of course, transfer habeas cases to the district of conviction which is ordinarily a more convenient forum). Therefore, in the furtherance of justice,

IT IS ORDERED that the Clerk of this Court transfer this matter to the United States District Court for the Central District of California, Southern Division. *See* 28 U.S.C. § 2241(d).

IT IS FURTHER ORDERED that the Clerk of this Court serve a copy of this Order upon Petitioner and upon the California Attorney General.

IT IS SO ORDERED.

DATED: 8-1-08

Napoleon A. Jones, Jr.
United States District Judge